HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 13528 OF 2005

Dated 08-09-2005

Between:

Juluri Venkateswarlu, son of J.Balaiah, aged about 41 years, unemployee, H.NO.14-2-232/E/B, Gyan Bagh Colony, Hyderabad.

….Petitioner.

And:

1. The A.P. Public Service Commission, rep. by its Secretary, Gruhakalpa, Hyderabad and another.

……Respondents.

ORDER : (Per Honourable Smt. Justice T.Meena Kumari)

This writ petition has been preferred by the writ petitioner seeking to direct the respondents to consider the case of the writ petitioner for group-II services pursuant to the advertisement No.10/1999 and declare the action of the respondents as illegal, bad and arbitrary and violation of Article 14 and 16 of the Constitution of India and declare the order of the tribunal, dated 29-10-2003 in O.A.No.4655 of 2000 as contrary to law and set aside the same.

The Writ petitioner is the 1st applicant before the tribunal. Originally, he along with another applicant filed O.A.No.4655 of 2000 seeking to declare the notification

No.10/99 dated 28-12-1999 issued by the official 1st respondent for recruitment to Group-II(General) posts in so far as not relaxing the upper age limit as illegal, arbitrary, and discriminatory and set aside the same and further seeking to declare that the writ petitioner is entitled for upper age relaxation and consequently direct the official 1st respondent to permit the writ petitioner for written examination by receiving their applications notwithstanding the 34 years of upper age limit prescribed in the notification therein. The Tribunal after hearing the rival contentions, and having observed that in respect of Gr. I Services, it is exclusively within the domain of the Government to decide such policy issues and the posts of Gr.I servids are of higher cadre compared to Gr. II services and they are not similar in nature and therefore, what was done in the case of Gr. I services need not be automatically made applicable to Gr. II services, closed the O.A. giving liberty to the official respondents to take further action depending upon the out come of the W.P.M.P. No.14456 of 2000 said to have been pending before this Court. Aggrieved by the same, the present writ petition has been filed by the writ petitioner.

When this matter is taken up for hearing, it is brought to the notice of this Court that the entire exercise has been completed pursuant to the notification in question and therefore, the cause in this writ petition does not survive for adjudication.

In view of the present age of the petitioner i.e., 41 years and in view of the statement made by the learned G.P. for G.A.D, We feel that the cause in this W.P. does not survive for adjudication and thereby, this writ petition has become infructuous.

Accordingly, the writ petition is dismissed as infructuous. No costs.

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Justice T.MEENA KUMARI

Date : 08-09-2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT.JUSTICE T.MEENA KUMARI

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(Judgment delivered by the

Honourable Smt.Justice T.Meena Kumari)

Date : 08-09-2005